

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ARCHIE LENNELL ROBINSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:24-CV-553-KHJ-MTP

TROOPER E. STINGLEY, et al.

DEFENDANTS

ORDER

Before the Court is pro se Plaintiff Archie Lennell Robinson’s [21] proposed amended complaint, which the Court liberally construes as a motion for leave to amend. The Court denies the motion. It therefore will enter a separate final judgment dismissing all claims without prejudice. *See Order [20] at 5–6.*

I. Background

Robinson originally sued three official-capacity Defendants: Trooper E. Stingley, Colonel Charles Haynes, and Sheriff Mike Lee. Compl. [1] at 1. Robinson’s Complaint alleged that police arrested him “for the smell of marijuana,” charged him with driving under the influence, and “thoroughly searched” and impounded his car. *Id.*

The Court dismissed without prejudice all official-capacity claims against Stingley and Haynes for lack of jurisdiction. [20] at 2–3. And it dismissed without prejudice all official-capacity claims against Lee under Section 1915(e)(2)(B)(ii). *Id.* at 3–5. Because Robinson is proceeding pro se, the Court allowed him to move for leave to amend within 14 days. *Id.* at 5.

In response, Robinson filed a one-page proposed amended complaint that names Stingley alone. [21]. The proposed pleading alleges that Stingley stopped Robinson's car, "violate[d his] rights," and caused physical and emotional harm. *Id.*

II. Standard

"Although leave to amend should be freely given when justice so requires, a district court may refuse leave to amend if the filing of the amended complaint would be futile, i.e., if the complaint as amended would be subject to dismissal."

Varela v. Gonzales, 773 F.3d 704, 707 (5th Cir. 2014) (per curiam) (cleaned up).

III. Analysis

Robinson's one-page proposed amended pleading names Stingley alone. [21]. Whether it seeks to assert official-capacity claims, individual-capacity claims, or both, amendment would be futile. The Court thus denies leave to amend.

Any official-capacity claims against Stingley still would "be subject to dismissal on the basis of . . . sovereign immunity." *Aldridge v. Miss. Dep't of Corr.*, 990 F.3d 868, 878 (5th Cir. 2021) (cleaned up); *see also* [20] at 2–3. So amendment of those claims would be futile. *Aldridge*, 990 F.3d at 878.

And any individual-capacity claims against Stingley "would fail to state a claim upon which relief could be granted." *Legate v. Livingston*, 822 F.3d 207, 211 (5th Cir. 2016). The Court explained that "[w]ithout additional factual content, the Court cannot reasonably infer that any official violated Robinson's constitutional rights." [20] at 5 (citing *Benfer v. City of Baytown*, 120 F.4th 1272, 1279 (5th Cir. 2024)). Although the proposed amended complaint alleges that Stingley stopped

Robinson's car, it includes no additional factual content about what Stingley did. *See [21]*. Nor does it include any additional factual content about the circumstances underlying the stop, search, or arrest. *See id.* Without more, the Court still cannot reasonably infer that Stingley violated Robinson's constitutional rights. *See [20]* at 4–5, 5 n.5.¹ The Court therefore denies leave to amend as futile.

Because the Court dismissed all claims and now denies leave to amend, it will enter a separate final judgment. *See [20]* at 5–6.

IV. Conclusion

The Court has considered all arguments. Those not addressed would not have changed the outcome. For the stated reasons, the Court denies Robinson's [21] motion for leave to amend. The Court will enter a separate final judgment consistent with its [20] Order and this Order.

SO ORDERED AND ADJUDGED, this 6th day of January, 2025.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE

¹ Robinson's proposed amended complaint asserts that Stingley "violate[d his] rights under the 'color of law.'" [21]. But "conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss." *Nix v. Major League Baseball*, 62 F.4th 920, 928 (5th Cir. 2023) (cleaned up); *see also, e.g., Powers v. Northside Indep. Sch. Dist.*, 951 F.3d 298, 305 (5th Cir. 2020) ("[T]he plaintiff must plead specific facts, not mere conclusory allegations to state a claim for relief that is facially plausible." (cleaned up)).